

REMARKS / ARGUMENTS

Reconsideration of the above-identified patent application in view of the remarks following is respectfully requested.

Claims 1-11 and 14-18 are in this case. Claims 1-4 and 14-18 have been rejected under 35 U.S.C. 102(b). Claims 5-7 and 9-11 have been rejected under 35 U.S.C. 103(a).

The claims before the Examiner are directed towards a projectile for piercing armor having a first motor for maintaining a cruise velocity of the projectile and an acceleration rocket motor activated for accelerating the projectile from the cruise velocity to a penetration velocity, in a final stage of flight of the projectile, wherein the projectile is adapted to be shot from a barrel and for a method of piercing armor substantially using, for example, the projectile.

35 U.S.C. 102(b) Rejections – Schricker WO 90/00244

The Examiner has rejected claims 1-4 and 14-18 under 35 U.S.C. 102(b) as being anticipated by WO 90/00244 (Schricker). The Examiner's rejection is respectfully traversed.

The purpose of Schricker is to provide a foot soldier with a non-explosive portable anti-armor weapon. Thus, Schricker teaches of a rocket-propelled anti-armor weapon fired from a shoulder-held launch tube (page 1, lines 5-7). Similar prior art weapons such as the RPG are typically equipped with an explosive hollow-charge warhead (HEAT). In contrast, Schricker provides a weapon comprising an armor piercing rod accelerated from a subsonic initial velocity (~300 m/sec) (attained by the use of a launch propulsion means) to a terminal penetration velocity (~3500 m/sec) by a boost propulsion device (page 2 lines 18-20 and page 3 lines 3-5).

In contrast to the present invention as described in claims 1 and 14, Schricker does not teach of a “cruise motor” to maintain an initial velocity of a projectile. On the contrary, the device of Schricker has a “launch propulsion means” whose function is to bring the armor piercing rod of the weapon from zero velocity to ~300 m/sec. The problem of projectile scatter and the results of “into the wind torque” are avoided by the low flight velocity of the weapon. In contrast, the teachings of the present invention reduce projectile scatter by maintaining a cruise velocity, as discussed in detail in the previous letter of Applicant to the Examiner (dated May 17 2002).

Further, the present invention as described in claims 1 and 14 is directed to a barrel-launched projectile. In stark contrast, Schricker teaches of a shoulder-fired weapon (*inter alia*, page 6 lines 21-24 and Figure 1). Unlike claim 1 of the present invention, where “...the projectile is adapted to be shot from a barrel...” Schricker teaches of a weapon adapted to be launched from a launch tube (*inter alia*, page 6 lines 21-24 and Figure 2).

In conclusion, not all features of independent claims 1 and 14 are disclosed in the teachings of Schricker. Applicant believes that independent claims 1 and 14 in the present (twice-amended) form feature language that absolutely differentiates between claims 1 and 14 and the teachings of Schricker. Applicant believes that the independent claims 1 and 14, and consequently claims 2-11 and 15-18 respectively dependent therefrom, are in condition for allowance.

35 U.S.C. 103(a) Rejections – Schricker ‘244 in light of Luttrell ‘804

The Examiner has rejected claims 5-7 under 35 U.S.C. 103(a) as being unpatentable over Schricker in view of US 3,903,804 (Luttrell). The Examiner’s rejection is respectfully traversed.

October 28, 2002

Claims 5-7 are dependent from claim 1. Schricker, even in light of Luttrell, does not teach all features of claim 1, *vide supra*. Consequently, Applicant maintains that claims 5-7 are in condition for allowance.

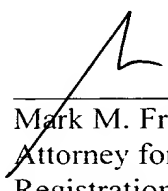
35 U.S.C. 103(a) Rejections – Schricker '244 in light of Luttrell '804 and Jacobson '243

The Examiner has rejected claims 9-11 under 35 U.S.C. 103(a) as being unpatentable over Schricker and Luttrell further in view of US 4,127,243 (Jacobson). The Examiner's rejection is respectfully traversed.

Claims 9-11 are dependent from claim 1. Schricker, even in light of Luttrell and Jacobson does not teach all features of claim 1, *vide supra*. Consequently, Applicant maintains that claims 9-11 are in condition for allowance.

In light of the above, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,



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